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RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1636

25/F  
AF/ING  
E. Wallman  
10-31-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

LUBITZ, et al.

Art Unit: 1636

Application No.: 09/147,693

Office Action: Sandals, W.

Filed: February 17, 1999

Attorney Dkt. No.: 100564-9005

For: NEW SYSTEMS FOR THE REGULATION OF GENE EXPRESSION

**AMENDMENT AFTER FINAL REJECTION UNDER 37 CFR § 1.116**

Commissioner for Patents  
Washington, D.C. 20231

Date: October 28, 2002

Sir:

In reply to the outstanding Advisory Action dated May 22, 2002, the response to which has been extended by a Petition for a Three Month Extension of Time attached hereto, please amend the application as follows:

**IN THE CLAIMS:**

Please amend the claims as follows:

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38. A method for selecting OR or OL operator DNA sequences from lambdoid phages wherein said sequences have a different thermostability compared to a wild-type sequence with regard to binding a repressor, wherein said different thermostability